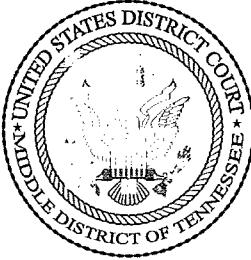


Lynda M. Hill
Clerk of Court



Estes Kefauver Federal
Building and U.S. Courthouse
801 Broadway, Suite 800
Nashville, Tennessee 37203
615-736-5498
Lynda_hill@tnmd.uscourts.gov

October 29, 2021

James B. Moseley
Moseley & Moseley
237-D Castlewood Drive
Murfreesboro, TN 37129

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Howell & Fisher
300 James Robertson Parkway
Court Square Building
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3310 West End Avenue
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Nashville, TN 37203

Susan Scott VanDyke
6840 Carothers Pkwy, Ste 150
Franklin, TN 37067-6682

RE: *Sylak, et al. v. Wal-Mart Stores East, L.P.*, Case No. 3:13-cv-00275

Dear Counsel,

I have been contacted by District Judge Aleta A. Trauger who presided over the above-mentioned case.

Judge Trauger informed me that it has been brought to her attention that while she presided over the case she owned stock in Wal-Mart. Her ownership of stock neither affected nor impacted her decisions in this case. As you may recall, this case was voluntarily dismissed before Judge Trauger made any substantive decisions. A copy of the docket sheet is enclosed for your convenience. However, her stock ownership would have required recusal under the Code of Conduct for United States Judges, and thus, Judge Trauger directed that I notify the parties of the conflict.

Advisory Opinion 71, from the Judicial Conference Codes of Conduct Committee, provides the following guidance for addressing disqualification that is not discovered until after a judge has participated in a case:

[A] judge should disclose to the parties the facts bearing on disqualification as soon as those facts are learned, even though that may occur after entry of the decision. The parties may then determine what relief they may seek and a court (without the disqualified judge) will decide the legal consequence, if any, arising from the participation of the disqualified judge in the entered decision.

Although Advisory Opinion 71 contemplated disqualification after a Court of Appeals oral argument, the Committee explained “[s]imilar considerations would apply when a judgment was entered in a district court by a judge and it is later learned that the judge was disqualified.”

With Advisory Opinion 71 in mind, you are invited to respond to Judge Trauger's disclosure of a conflict in this case. Should you wish to respond, please submit your response to Chief District Judge Waverly D. Crenshaw, Jr. by mailing it to 801 Broadway, Suite A845, Nashville, TN 37203, on or before November 29, 2021. Any response will be considered by another judge of this court without the participation of Judge Trauger.

Best regards,



Lynda M. Hill

Enclosure

cc: Chief Judge Waverly D. Crenshaw, Jr.

**U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:13-cv-00275
Internal Use Only**

Sylak et al v. Wal-Mart Stores East, L.P. Date Filed: 03/27/2013
Assigned to: District Judge Aleta A. Trauger Date Terminated: 04/23/2014
Case in other court: Circuit Court for Montgomery County, MC CC Jury Demand: Defendant
CV OD13-0299 Nature of Suit: 360 P.I.: Other
Cause: 28:1441 Notice of Removal- Tort/Non-Motor Vehicle Jurisdiction: Diversity

Plaintiff

Mary Anne Sylak

represented by **Carmack Clement Shell**
Marks, Shell & Maness
P O Box 1149
233A Dunbar Cave Road
Clarksville, TN 37043-1149
(931) 552-6000
Fax: (931) 645-1890
Email: cshell@marksshellandmaness.com
TERMINATED: 07/23/2013

James B. Moseley
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237-D Castlewood Drive
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(615) 254-0140
Email:
bryan.moseley@moseleylawfirm.com
ATTORNEY TO BE NOTICED

Plaintiff

Gary A. Sylak

represented by **Carmack Clement Shell**
(See above for address)
TERMINATED: 07/23/2013

James B. Moseley
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Wal-Mart Stores East, L.P.

represented by **George Andrew Rowlett**
Howell & Fisher, PLLC
3310 West End Avenue
Suite 550
Nashville, TN 37203
(615) 244-3370

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ATTORNEY TO BE NOTICED

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 Fax: (615) 846-2177
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/27/2013	<u>1</u>	NOTICE OF REMOVAL by Wal-Mart Stores East, L.P. from Circuit Court for Montgomery County, case number MC CC CV OD13-0299. (filing fee paid \$350) (Attachments: # <u>1</u> Circuit Court Pleadings, # <u>2</u> Civil Cover Sheet)(hb) (Entered: 03/28/2013)
03/27/2013	<u>2</u>	CORPORATE DISCLOSURE STATEMENT filed by Wal-Mart Stores East, L.P. (hb) (Entered: 03/28/2013)
03/27/2013	<u>3</u>	NOTICE of Initial Case Management Conference set for 6/3/2013 at 03:00 PM in Chambers 825 before District Judge Aleta A. Trauger. (hb) (Entered: 03/28/2013)
03/28/2013		BAR STATUS for Attys. G. Andrew Rowlett, Susan VanDyke, and Carmack C. Shell of TN verified as active on this date. (hb) (Entered: 03/28/2013)
04/02/2013	<u>4</u>	ANSWER to Complaint by Wal-Mart Stores East, L.P.(VanDyke, Susan) (Entered: 04/02/2013)
05/15/2013	<u>5</u>	MOTION Entry of an Agreed Order by Wal-Mart Stores East, L.P.. (Attachments: # <u>1</u> Proposed Order Agreed Order)(VanDyke, Susan) (Entered: 05/15/2013)
05/20/2013	<u>6</u>	ORDER granting <u>5</u> Motion Requesting Entry of Agreed Order. Signed by District Judge Aleta A. Trauger on 5/20/2013. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.)(eh) (Entered: 05/20/2013)
05/20/2013	<u>7</u>	AGREED ORDER. Signed by District Judge Aleta A. Trauger on 5/20/2013. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.)(eh) (Entered: 05/20/2013)
05/29/2013	<u>8</u>	PROPOSED CASE MANAGEMENT ORDER filed by Wal-Mart Stores East, L.P.. (VanDyke, Susan) (Entered: 05/29/2013)
05/29/2013	<u>9</u>	MOTION to Continue <i>and Reschedule Initial Case Management Conference</i> by Mary Anne Sylak. (Shell, Carmack) (Entered: 05/29/2013)
05/30/2013	<u>10</u>	ORDER granting <u>9</u> MOTION to Continue <i>and Reschedule Initial Case Management Conference</i> . Case Management Conference CONTINUED to 7/26/2013 at 09:45 AM in Chambers 825 before District Judge Aleta A. Trauger. Signed by District Judge Aleta A. Trauger on 5/29/2013. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.)(hb) (Entered: 05/30/2013)
07/16/2013	<u>11</u>	NOTICE of Appearance by James B. Moseley on behalf of All Plaintiffs (Moseley, James) (Entered: 07/16/2013)

07/17/2013		BAR STATUS for Atty. James Bryan Moseley of TN verified as active on this date. (hb) (Entered: 07/17/2013)
07/22/2013	<u>12</u>	MOTION to Withdraw as Attorney by Mary Anne Sylak. (Shell, Carmack) (Entered: 07/22/2013)
07/23/2013	<u>13</u>	ORDER granting <u>12</u> Motion to Withdraw as Attorney. Attorney Carmack Clement Shell terminated. Signed by District Judge Aleta A. Trauger on 7/23/2013. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.)(hb) (Entered: 07/23/2013)
07/23/2013	<u>14</u>	PROPOSED CASE MANAGEMENT ORDER filed by Wal-Mart Stores East, L.P.. (VanDyke, Susan) (Entered: 07/23/2013)
07/26/2013		Minute Entry for proceedings held before District Judge Aleta A. Trauger: Case Management Conference held on 7/26/2013. Joint mediation report due 5/1/14. (kb) (Entered: 07/26/2013)
07/26/2013	<u>15</u>	INITIAL CASE MANAGEMENT ORDER: Amended Pleadings due by 4/1/2014. Discovery due by 4/1/2014. Dipsositive Motions due by 4/1/2014. Signed by District Judge Aleta A. Trauger on 7/26/2013. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.)(hb) (Entered: 07/26/2013)
07/26/2013	<u>16</u>	ORDER: Jury Trial set for 8/26/2014 09:00 AM in Courtroom 873 before District Judge Aleta A. Trauger. Pretrial Conference set for 8/22/2014 01:30 PM in Chambers 825 before District Judge Aleta A. Trauger. Exhibit List due by 8/19/2014. Witness List due by 8/19/2014. Joint Proposed Pretrial Order due by 8/19/2014. Signed by District Judge Aleta A. Trauger on 7/26/2013. (DOCKET TEXT SUMMARY ONLY-ATTORNEYS MUST OPEN THE PDF AND READ THE ORDER.)(hb) (Entered: 07/26/2013)
11/22/2013	<u>17</u>	STIPULATION of Dismissal by Gary A. Sylak, Mary Anne Sylak, Wal-Mart Stores East, L.P.. (Moseley, James) (Entered: 11/22/2013)
04/23/2014		(Court only) ***Civil Case Terminated. (hb) (Entered: 04/23/2014)
04/23/2014		Case terminated per <u>17</u> STIPULATION of Dismissal by Gary A. Sylak, Mary Anne Sylak, Wal-Mart Stores East, L.P. No order to enter. (hb) (Entered: 04/23/2014)
11/26/2018	<u>18</u>	**DISREGARD-ENTERED IN WRONG CASE** Disbursement Completed in the amount of \$5,000.00,per DE91. (sw) Modified on 11/26/2018 (af). (Entered: 11/26/2018)
11/26/2018		DISREGARD DE 18 regarding disbursement. Entered in the wrong case. (af) (Entered: 11/26/2018)